IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 7734 of 2006(U)

PETITIONER:

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1. V.GOPALAKRISHNAN, AGED 58 YEARS,
   S/O.LATE P.VASU, "VASANT", MANIKKIRI ROAD,
   ERNAKULAM, KOCHI-16.

2. V.JAYARAJAN, AGED 50 YEARS,
   BUSINESS, S/O.LATE P.VASU, "VASANT",
   MANIKKIRI ROAD, ERNAKULAM, KOCHI-16.

BY ADV. SRI.T.K.PANKAJASHAN PILLAI
SRI.SAJI PANKAJAKSHAN

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
   REPRESENTED BY THE SECRETARY, K.S.E.B,
   THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
   ELECTRICAL MAJOR SECTION, COLLEGE SECTION,
   ERNAKULAM, KOCHI-11.

3. THE DEPUTY CHIEF ELECTRICAL INSPECTOR,
   K.S.E.B., ERNAKULAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.7734 of 2006

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Dated this the 17th day of July, 2007.

JUDGMENT

The electric meter in petitioners' house was found not working during inspection by KSEB on 6.11.1997. The meter was said to be replaced with another one. The petitioner dragged the matter before the Consumer Disputes Redressal Forum and civil courts. Ultimately pursuant to judgment of this court, civil court closed the matter and hence this W.P. is filed. Total arrears under challenge is around Rs.30,000/- which obviously must be pertaining to period prior to date of inspection on 6.11.1997. If meter is found defective, then Conditions of Supply of Electrical Energy provide for estimation of consumption based on actual consumption recorded for the subsequent period. The petitioner has relied on Division Bench decision of this court in AMMINI JOSEPH V. KERALA STATE ELECTRICITY BOARD 2005(2) KLT 830 whereunder this court held that estimation of power during period when the meter was not working is to be determined by the Electrical Inspectorate. Since decision is not rendered by the competent authority in this case, W.P. is disposed of directing the second respondent to refer the matter for decision by the Deputy Chief

Electrical Inspector, Ernakulam within a period of two weeks from the date of production of copy of this judgment by the petitioner. There will be direction to the Deputy Chief Electrical Inspector to call for records and estimate power consumption based on norms under the Conditions of Supply of Electrical Energy and communicate the same to the petitioner and to the KSEB within two months thereafter. The petitioner will continue payment in terms of interim order dated 15.3.2006 until bills are finalised as above. If petitioner has any grievance against the present electrical meter or bills, petitioner can take up the matter in appeal with the appellate authority under the new Act.

C.N.RAMACHANDRAN NAIR
Judge

pms